

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF Sol Orchard Major Use Permit 3300-11-027 (MUP), 3910-11-08-010 (ER)

April 5, 2012

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES
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NO
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NOT APPLICABLE/EXEMPT
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While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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The project will obtain its water supply from on-site wells and imported water from a commercial water truck vendor for panel washing. The project would use groundwater during construction for dust suppression for application of the binding agent. The overall groundwater use on-site would be reduced from the existing agricultural use of the site and therefore would conform to the Groundwater Ordinance.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations

YES NO NOT APPLICABLE/EXEMPT

(Sections 86.604(a) and (b)) of the Resource Protection Ordinance?

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The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?

YES

NO

NOT APPLICABLE/EXEMPT

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The Steep Slope section (Section 86.604(e))?

YES

NO

NOT APPLICABLE/EXEMPT

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The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?

YES

NO

NOT APPLICABLE/EXEMPT

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The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?

YES

NO

NOT APPLICABLE/EXEMPT

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Wetland and Wetland Buffers: The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

Floodways and Floodplain Fringe: The project is in compliance. The project is adjacent to the Keys Canyon Creek floodway/floodplain fringe area, but there are no proposals for any offsite uses or improvements that need compliance with the Resource Protection Ordinance.

Steep Slopes: The average slope for the property is 2 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

Sensitive Habitats: No sensitive habitat lands were identified on the site as determined on a site visit conducted by County staff. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites: The property has been surveyed by a field crew from ASM Affiliates, Inc under the direction of County of San Diego approved archaeologist Jerry Schaefer on June 1, 2011 and it has been determined that the property does not contain any archaeological or historical sites. In addition, the project must comply with the San Diego County Grading, Clearing, and Watercourse Ordinance (§87.101-87.804), CEQA §15064.5(d), and §7050.5 of the Health & Safety Code. Section 87.429 of the Grading, Clearance, and Watercourse Ordinance requires the suspension of grading operations when human remains or Native American artifacts are encountered.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES
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NO
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NOT APPLICABLE
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The project Storm Water Management dated October 20, 2011 has been reviewed and is found to be complete and in compliance with the WPO.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES
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NO
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NOT APPLICABLE
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The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

The project is comprised of the development and operation of a photovoltaic (PV) solar farm to be located on privately-held lands near Valley Center. Permanent noise generating sources include structures that consist of inverters and transformers. Temporary noise sources would consist of general construction equipment and pile drivers. The project is zoned A70 and is subject to the most restrictive nighttime one-hour average sound level limit of 45 dBA at the project property line pursuant to Section 36.404. Combined noise levels from the transformer and inverter operations would generate a sound level of 41.6 dBA at the nearest property line, approximately 190 feet away, and would comply with the 45 dBA sound level requirement. Temporary construction equipment would be comprised of three dozers, five graders and four loaders/backhoes and water trucks. Most of the construction activities would consist of clearing and grubbing to prepare the site. Due to the give spatial separation of the equipment, temporary construction equipment operations would comply with the 75 dBA (8hr Leq) requirement at the project property lines pursuant to Section 36.409. The County Impulsive Noise requirements would allow a maximum sound level of 82 dBA for 25 percent of the measurement period. The proposed pile driver operations were also evaluated and it was determined that pile driver operations would be below the 82 dBA threshold. Therefore, the project as currently designed, would comply with County noise standards.